

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIRST QUALITY MAINTENANCE II, LLC
d/b/a ALLIANCE BUILDING SERVICES and
REALTY ADVISORY BOARD ON LABOR
RELATIONS, INC.,

Petitioners,

v.

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 32BJ,

Respondent.
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PETITION TO TO CONFIRM AN ARBITRATION AWARD

Petitioners First Quality Maintenance II, LLC d/b/a Alliance Building Services (“FQM”) and Realty Advisory Board on Labor Relations, Inc. (“RAB”), by their attorney Harry Weinberg, Law Offices of Harry Weinberg, PLLC, as and for their Petition, respectfully alleges as follows:

1. This is an application to confirm an arbitration award issued pursuant to the terms of a collective bargaining agreement between the parties. Jurisdiction is conferred upon this Court by Section 301 of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 185, which grants federal courts jurisdiction over “[s]uits for violation of contracts between an employer and a labor organization, including petitions to confirm labor arbitration awards. 29 U.S.C. 185(a). Venue is proper in the Manhattan courthouse of this District because Petitioners maintains their offices and principal place of business in the City, County and State of New York. In addition, Respondent Service

Employees International Union Local 32BJ (“Union”) maintains its offices and principal place of business in the City, County and State of New York.

2. Petitioner RAB is a multi-employer and associational bargaining organization of which Petitioner FQM is a member. RAB provides representation to employers in the building service and property management industries and represents its members in collective bargaining and labor relations matters, including grievances and arbitration, pursuant to the collective bargaining agreements it negotiates on behalf of its members.

3. On or about April 21, 2018, RAB and Respondent Service Employees International Union, Local 32BJ (“the Union”) entered into a written collective bargaining agreement known as the Apartment Building Agreement (“CBA”) effective April 21, 2018 through April 20, 2022, a copy of which is annexed hereto as Exhibit A.

3. Articles V (“Grievance Procedure”) and VI (“Arbitration”) of the CBA provides a grievance and arbitration procedure for resolving disputes between the parties.

Article VI provides:

A Contract Arbitrator shall have the power to decide all differences arising between the parties to this Agreement as to interpretation, application or performance of any part of this Agreement, and such other issues as are expressly required to be arbitrated before the Arbitrator ...

See Exhibit A at Article VI, paragraph 1.

4. The Union filed a grievance on behalf of Ekrem Sejdiya alleging that Sejdiya was terminated unjustly by FQM effective September 27, 2021.

5. The matter proceeded to arbitration before Contract Arbitrator Gary Kendellen and, following a hearing on January 20, 2022, Arbitrator Kendellen issued an

Opinion and Award dated February 27, 2022, denying the Union's grievance and upholding the termination. *See* Exhibit B.

8. The Award was made in accordance with the terms of the parties' Agreement and is in all respects proper.

9. The Arbitrator served a signed copy of the Award and this application is made within one (1) year of the Award.

10. No application has been made by anyone for modification of the Award.

WHEREFORE, Petitioners seek an Order confirming the Arbitrator's Award and for entry of judgment in conformity therewith, and for such other relief as to the Court may seem just and proper.

Dated: New York, New York
July 26, 2022

LAW OFFICES OF HARRY WEINBERG, PLLC

/s/ Harry Weinberg

By: _____
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